IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 410 OF 2005

Adinath Pandurang Gore & Ors ...Petitioners

Versus

State of Maharashtra & Ors ...Respondents

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Mr. Sudhir Halli, Advocate for Petitioners

Mr. K.K. Tated with Ms. Matesha Jain, advocate for respondent No.2.

Mr. M.S. Mhambray, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 21ST JULY, 2005

P. C.:-

1. Heard the learned advocate for the petitioners, the learned advocate for the respondent No.2 i.e. original complainant and the learned A.P.P. for the State.

2. The petitioners have prayed for quashing of process issued against them in Criminal Case No. 87/2005 which is pending in the Court of learned Judicial Magistrate, First Class, Court No.2, Bhiwandi, Thane. In the said case, process has been issued against the petitioners under Sections 323, 324, 166, 217, 220, 341, 347 r.w. 34 of I.P.C.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the petitioners states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, interim relief granted earlier is extended by four weeks from today. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petition is disposed of.

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